

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE:

Gary Rosenthal

Debtor.

Case No. 24-12397 - CMA

Adv. No. 25-01010-CMA

Chapter 13

Gary Rosenthal,

Plaintiff,

v.

NewRez, LLC, d/b/a Shellpoint Mortgage
Services, LLC, Buda Hill, LLC, and Eastside
Funding, LLC,

Defendants.

AMENDED DECLARATION OF
GARY ROSENTHAL IN SUPPORT
OF MOTION FOR STAY PENDING
APPEAL

1 I, Gary Rosenthal, declare under penalty of perjury under the laws of the United States
2 that the following is true and correct:

3 1. I have lived at my home in Seattle, Washington, for approximately fifteen (15)
4 years. I first lived there alone, later with my daughter, and—for the last seven years—with
5 my elderly parents.

6 2. My father (then age 90) and mother (age 86) moved in with me in late 2016
7 because they were afraid of institutional care. I became their full-time caregiver, transporting
8 them to medical appointments and assisting with daily activities.

9 3. I am a marine scientist. COVID-19 halted field contracts and forced me to stop
10 working; after that, my only support came from my parents.

11 4. My father died in 2019, and my mother in October 2023. Their deaths ended
12 the financial help they had been providing since roughly 2019 to cover the mortgage and
13 household expenses.

14 5. My mother left an annuity located in Pennsylvania. Probate delays extended far
15 beyond the expected 30 days, creating a cash-flow crisis that prevented me from keeping
16 mortgage payments current.

17 6. Early in the foreclosure process, I sought a loan from my personal bank
18 (U.S. Bank) but was refused because the loan was already in foreclosure, as a result of this, I
19 spoke with no other lenders.

20 7. Overwhelmed by grief and caregiver exhaustion, and in despair about what to
21 do, I did not understand my legal options. I learned the house had been sold only when my
22 sister notified me after the auction; she helped me obtain counsel, and I filed Chapter 13 on
23 September 24, 2024—about one hour before the trustee's deed was physically delivered or
24 recorded.

25 8. I did not realize that I still owned the home or had any power to halt the
26 foreclosure once the trustee's sale process began. I assumed foreclosure stripped my
27 ownership rights and made new financing impossible.

9. Because of that misunderstanding, I focused on probate proceeds that I was
repeatedly told by the annuity company were "imminent," lacked a cell phone or computer,
was often unreachable, and did not learn the exact sale date until my sister telephoned me
after the auction had already occurred. 1

AMENDED DECLARATION OF GARY
ROSENTHAL IN SUPPORT OF STAY
PENDING APPEAL

DEVLIN LAW FIRM
1526 GILPIN AVENUE
WILMINGTON, DE 19806
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1 10. I have obtained a conditional reverse-mortgage commitment that will pay off
2 all claims if I retain title; funding is contingent on the resolution of this litigation. *See Exhibit*
3 *A attached hereto.*

4 11. Since filing, I have paid \$43,000 for an all-cash bond to secure the preliminary
5 injunction through May 7, 2025. I was not able to secure any other type of bond after much
6 effort, as I detailed in my prior declaration in support of the Preliminary Injunction bond
(Dkt. No. 36), I was only able to obtain an all-cash bond.

7 12. I will pay the first-quarter 2025 property taxes no later than April 30, 2025, and
8 I will continue to pay all property taxes as they come due for the duration of this appeal.
9 Additionally, I have current hazard insurance on the property and will continue to pay that
10 while this case is on appeal. *See Exhibit B attached hereto.*

11 13. I currently hold approximately \$20,000 in estate proceeds, received post-
12 petition, which I can dedicate as further security during the appeal.

13 14. This house is my only residence and the place where my parents spent their
14 final years. Losing it would devastate me and my daughter emotionally and financially; we
15 have no alternative housing.

16 15. Because I am retired and subsist on about \$2,100 per month in Social Security
17 and a limited quarterly annuity from inheritance. I cannot obtain a commercial supersedeas
18 bond for the full purchase price; surety companies require dollar-for-dollar collateral that I do
19 not possess.

20 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
21 CORRECT.

22 Executed on April 27, 2025, at Shoreline, Washington.

23 /s/ Gary Rosenthal
24 Gary Rosenthal